

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Patent Application)
Joseph P. Markham)
For: "Bouncing Pet Toy")

Assistant Commissioner for Patents
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Sir:

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Date of Deposit: March 12, 1998

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- Utility Patent Application Transmittal
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- Patent Application Fee Determination Record
- U.S. Patent Application
- Four (4) formal patent drawing sheets
- Declaration and Power of Attorney
- Assignment and Recordation Form Cover Sheet
- Verified Statement Claiming Small Entity Status -
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. F97.18
First Inventor or Application Identifier Joseph P. Markham
Title "BOUNCING PET TOY"
Express Mail Label No. EMI38648945US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
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1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 14]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
4. Oath or Declaration [Total Pages]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a
copy of the oath or declaration is supplied under Box 4b, is
considered to be part of the disclosure of the accompanying
application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☐ 37 C.F.R. § 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☐ * Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired (PTO/SB/09-12)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other: ...Check for \$435.00.....

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17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: _____ / _____
Prior application information: Examiner _____ Group / Art Unit: _____

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label: _____ or ☒ Correspondence address below
(Insert Customer No. or Attach bar code label here)

Name	Gary D. Fields				
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Signature	Gary D. Fields	Date	12 March 1998

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FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.

These are the fees effective October 1, 1997.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Joseph P. Markham
Examiner Name	
Group / Art Unit	
Attorney Docket No.	F97.18

TOTAL AMOUNT OF PAYMENT (\$) 435.00

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

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Deposit
Account
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06-0778

Fields and Johnson, P.C.

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 790	201 395	Utility filing fee	395
106 330	206 165	Design filing fee	
107 540	207 270	Plant filing fee	
108 790	208 395	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1)			(\$ 395)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
15	-20** = 0	X	
Independent Claims	3	-3** = 0	X
Multiple Dependent			

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 22	203 11	Claims in excess of 20	
102 82	202 41	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 82	209 41	** Reissue independent claims over original patent	
110 22	210 11	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 395.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 950	217 475	Extension for reply within third month	
118 1,510	218 755	Extension for reply within fourth month	
128 2,060	228 1,030	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,320	241 660	Petition to revive - unintentional	
142 1,320	242 660	Utility issue fee (or reissue)	
143 450	243 225	Design issue fee	
144 670	244 335	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40
146 790	246 395	Filing a submission after final rejection (37 CFR 1.129(a))	
149 790	249 395	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify) _____			
Other fee (specify) _____			
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SUBTOTAL (3)			(\$ 40)

SUBMITTED BY

Typed or Printed Name Gary D. Fields

Signature

Gary D. Fields

Date

3/12/98

Complete (if applicable)

Reg. Number 19,604

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BOUNCING PET TOY

Technical Field

This invention relates to a pet toy and, more particularly, to a pet toy which is flexible, has an irregular shape, and a hollow core causing it to bounce in an irregular fashion when thrown on the ground or the floor. The hollow core provides a passageway for attaching a pull rope and/or for receiving an edible food treat.

Background Art

Play toys for animals, and particularly dogs, have been available for years in various sizes and configurations, each designed to provide jaw exercise and to enhance the animals' interest in playing with the toy. Enhanced interest in the toy may occur by giving it a physical configuration which will bounce in odd directions when tossed onto the floor or ground. Also interest in a pet toy can be enhanced by providing food treats in the pet toy. Many pet toys provide one or both of these features with varying success. Examples of such toys are found in U.S. design patents Des. 234,789 and Des. 234,790 to Rosenberg, each entitled "Sounding Toy For Pet Animal", and U.S. design patent Des. 256,958 to Markham, entitled "Pet Toy". This latter pet toy is hollow and has an irregular outer configuration and provides substantial jaw exercise for the animal.

A further example of such prior art pet toys is U.S. Patent Re. 34,352 to Markham, entitled "Therapeutic Pet Toy". This pet toy has an irregular outer configuration and a central core extending therethrough. A series of longitudinally spaced peripheral grooves are provided which have inwardly projecting lips for cleaning the teeth of the animal. The hollow core facilitates deformation of the pet toy with the animal bites into the

grooves. The resistance of the pet toy to deformation provides exercise for the animal's jaw.

Disclosure of the Invention

In accordance with this invention, a pet toy is provided for entertaining an animal and providing jaw exercise. In one form of the invention the pet toy has an elongated hollow body extending along a longitudinal axis having first and second ends and a side wall of substantially constant cross-section throughout. A first bulbous section has a first opening defining a first inner diameter, the first bulbous section forming the first end of the elongated body. A second bulbous section has a second opening defining a second inner diameter, the second bulbous section forming the second end of the elongated hollow body and spaced from the first bulbous section. A center section is provided which extends along the longitudinal axis between the first and second bulbous sections and is connected at opposite ends to both sections. The first and second openings form one continuous opening through the pet toy. The center section surrounds a narrowed diameter opening portion which lies between the first and second bulbous sections and has a third inner diameter. A plurality of spaced ribs may extend around the periphery of the pet toy to facilitate an animal gripping the pet toy with its teeth.

More particularly, at least one of the bulbous sections has an opening having a diameter greater than the inner diameter of the center section so that a knot of a pull rope extending through the center of the pet toy will pass through the opening in the bulbous section but will not pass through the center section. Also, edible food treats can be placed in the pet toy through the opening(s) in the respective bulbous sections and the center section.

In another form of the invention, an elongated hollow body extends along a longitudinal axis and has first and second ends and a central hollow core of a substantially constant diameter. The first bulbous section has a first outer diameter and a first wall thickness forming the first end of the elongated hollow body extending along said longitudinal axis. A second bulbous section has a second outer diameter and a second wall thickness forming the second end of the elongated hollow body and is spaced from said first bulbous section. A center section lies along the longitudinal axis between and is connected to the first bulbous section and the second bulbous section. The center section has a thin deformable side wall whose outer diameter is less than at least one of the first and second outer diameters and has a third thickness which is less than at least one of the first and second thicknesses.

Additional advantages of this invention will become apparent from the detailed description of this invention taken in conjunction with the accompanying drawings.

Brief Description of the Drawings

Figure 1 is a perspective view of one embodiment of the pet toy of this invention;

Figure 2 illustrates the irregular bouncing action of the pet toy when it is tossed on the ground;

Figure 3 is a longitudinal vertical section, taken along line 3-3 of Figure 1, showing the uniform cross-section of the pet toy and the relationship of the respective diameters of the bulbous sections and the center section;

Figure 4 is a vertical section, taken along line 4-4 of Figure 3;

Figure 5 is a vertical section, taken along line 5-5 of Figure 3;

Figure 6 is a longitudinal vertical section through the pet toy of this invention showing the insertion and use of a pull rope therewith;

Figure 7 is a longitudinal vertical section through the pet toy of this invention showing the insertion of an edible food treat therein;

5 Figure 8 is a fragmentary vertical section of the left end of the pet toy showing a jaw of an animal biting down on the pet toy so that the ribs of the pet toy engage the sides of the teeth and the gums of the animal;

Figure 9 is a fragmentary enlarged vertical section showing details of the engagement of the teeth and gums of the animal with the ribs; and

10 Figure 10 is a longitudinal vertical section of another embodiment of the pet toy of this invention.

Best Mode For Carrying Out the Invention

As best seen in Figures 1 and 3, the pet toy 10 of this invention has an elongated body extending along axis 12 wherein the elongated body includes a first bulbous section 14 having first and second ends and a
15 second bulbous section 16 having first and second ends and spaced from the first bulbous section 14. These bulbous sections are interconnected by a center section 18 which also has first and second ends. As clearly seen in Figure 3, the side wall 19 defines a cross-section which is substantially
20 uniform throughout. This uniform cross-section facilitates the irregular bouncing action of the pet toy when tossed so that it bounces along an irregular path, such as path 20 shown in Figure 2. This creates interest in the pet toy by an animal such as dog 22. Conveniently, each bulbous section 14 and 16 has a plurality of spaced ribs 24 which form a groove 26
25 therebetween to facilitate an animal gripping the pet toy with its teeth. Conveniently, the animal can deform the pet toy by biting down on the bulbous sections.

Bulbous section 14 has an outer diameter and bulbous section 16 has a similarly sized outer diameter. In the embodiment shown, although the outer diameters are the same, it will be understood that one of ordinary skill in this art could construct a pet toy having bulbous sections of different diameters to modify the bouncing characteristics of the pet toy. The center section 18 has a third outer diameter which is less than at least one the first and second outer diameters. Center section 18 is positioned along longitudinal axis 12 between bulbous section 14 and bulbous section 16 and is connected to both.

Additionally, bulbous section 14 has an opening 28 at its first or outer end. This opening 28 defines a first inner diameter. Bulbous section 16 has an opening 30 at its first or outer end. This opening 30 defines a second inner diameter. The first and second inner diameters are greater than a third inner diameter of center section 18 which forms a surface which defines opening 32 therethrough.

This arrangement provides several advantages. First, as shown in Figure 6, when used with a pull rope 34 having a knot 36 at one end thereof, the knot is sized to be small enough to pass through an opening in a bulbous section, such as opening 28 in bulbous section 14, but is larger in diameter than the third inner diameter of opening 32 in center section 18. Accordingly, the knot engages the interior surface of center section 18 which serves as an anchor point for knot 36. The free end of rope 34 may then extend through opening 30 in bulbous section 16 so that it can serve as a pull rope. It is readily apparent that the direction of the rope can be reversed so that knot 36 passes through opening 30 of bulbous section 16 and bears against the opposite side of the interior surface of center section 18 as an anchor with the rope 34 passing through opening 28 in bulbous section 14. Furthermore, it will be understood that one of openings 28 and

30 could be smaller in diameter than the diameter of knot 36 so long as the diameter of the other of bulbous sections 28 and 30 is larger than the diameter of the rope. In this instance, the rope could be inserted through the pet toy in only one direction.

5 A second advantage is that an edible pet treat 38, as shown in Figure 7, can be inserted through either opening 28 of bulbous section 14 or opening 30 of bulbous section 16 but is resiliently gripped by the interior surface of center section 18 defined by opening 32. Once the animal has chewed off the end of edible food treat 38, the remaining portion of the
10 treat can be released by the animal chewing on the pet toy and deforming it so as to crush or dislodge edible food treat 38 from within opening 32. Thus, the interest of the animal in the pet toy of this invention can be maintained over an extended period of time because of the effort required to remove the entire edible treat from the pet toy.

15 Also, the edible treat can be longer than the length of the pet toy and extent out of both openings 28 and 30 while being resiliently held intermediate its ends by the interior surface defined by opening 32. After chewing off the ends of the treat, the remainder of the treat which is inside the pet toy will be released by the animal chewing on the pet toy to deform
20 it so that the remainder of the treat is crushed and will fall out the ends of the pet toy. Alternatively, the treat can be shorter than the pet toy and positioned within it so that neither end is exposed. In order to remove any of treat in this instance, the animal must deform the pet toy by chewing on it to crush the treat so that it falls out of the ends of the pet toy.

25 By turning to Figures 8 and 9, another advantage of this invention can be seen. Conveniently, the ribs 24 function to clean the sides of the teeth of the animal when it bites down on bulbous section 14. Teeth 40 deflect area 42 on the opposite sides of side wall 19 inwardly so that ribs 24

engage the opposite sides of tooth 40 thus effecting the cleaning action. The deflection of area 42 also allows the gums 43 to be massaged by ribs 24. The same cleaning and massaging action will occur when the animal bites down on bulbous section 16 as well.

Another embodiment is shown in Figure 10 wherein pet toy 10' includes bulbous sections 14' and 16' and center section 18' have a longitudinal center bore or opening 44 of substantially uniform cross-section. This pet toy will function similarly to that of Figures 1-7 except that bulbous sections 14' and 16' will be less easily deflected by the teeth of the animal. However, by changing the elasticity of the material from which the pet toy is made, it is possible to compensate for the greater thickness of the side wall 19' at bulbous sections 14' and 16'.

From the foregoing, the advantages of this invention are readily apparent. An elongated hollow pet toy has been provided which has spaced bulbous sections joined by a center section wherein the cross-section of the elongated body wall is substantially uniform throughout. This exterior configuration together with the hollow interior cause the pet toy to bounce in an irregular fashion when thrown on the floor or ground. The bulbous sections can have the same diameters or different diameters. In either case, an opening is provided in the end of each bulbous section and at least one such opening is of a greater diameter than that of the opening in the center section so as to provide an anchoring surface for the knot on a pull rope with the pull rope extending through the other of such openings or to resiliently hold an edible food treat which is inserted through one of the openings in the bulbous end sections. Peripheral ribs are spaced longitudinally along the bulbous sections of the pet toy to form grooves so that the animal can grasp the pet toy with its teeth. In one embodiment the pet toy has a thin wall of substantially constant cross-section which

enhances the bouncing characteristics of the pet toy. When the teeth of the animal bite down on the pet toy, the side walls deform so that the ribs deflect inwardly to clean the teeth and/or massage the gums. In a second embodiment, the pet toy has a hollow core of substantially uniform diameter.

This invention has been described in detail with reference to particular embodiments thereof, but it will be understood that various other modifications can be effected within the spirit and scope of this invention.

CLAIMS**What is Claimed is:**

1. A pet toy for entertaining an animal and providing jaw exercise, teeth cleaning and/or gum massaging for the animal, said pet toy comprising:

an elongated hollow body extending along a longitudinal axis
5 and having first and second ends and a side wall of substantially constant cross-section throughout;

a first bulbous section having a first opening defining a first inner diameter and forming said first end of said elongated hollow body extending along said longitudinal axis;

10 a second bulbous section having a second opening defining a second inner diameter and forming said second end of said elongated hollow body extending along said longitudinal axis and spaced from said first bulbous section; and

15 a center section extending along said longitudinal axis between and connected to said first bulbous section and said second bulbous section, said center section having a third inner diameter which forms an inner surface defining a center opening said third inner diameter being less than at least one of said first and second inner diameters.

2. A pet toy, as claimed in claim 1, further including:

a plurality of longitudinally spaced annular ribs extending around the periphery of said hollow elongated body to facilitate an animal gripping said pet toy with its teeth.

3. A pet toy, as claimed in claim 1, wherein:
at least a portion of said side wall is deformable when an
animal bites down on said pet toy with its jaw.

4. A pet toy as claimed in claim 3, further including:
a plurality of longitudinally spaced annular ribs extending
around the periphery of said hollow elongated body which deflect inwardly
when said side wall is deformed so that ribs on opposite sides of the jaw are
engageable with opposite sides of the teeth and/or gums of the animal to
aid in cleaning the teeth and massaging the gums.

5. A pet toy, as claimed in claim 1, further including:
a rope extending through said elongated hollow body along
said longitudinal axis having a fourth diameter smaller than either said first
and second inner diameters and having an end with a knot formed therein
which knot has a fifth diameter which is smaller than said at least one of
said first and second inner diameters but is larger than said third inner
diameter so that said knot can pass through said at least one of said first and
second inner diameters but not pass through said third inner diameter and
engages said inner surface of said center section as an anchor wherein said
rope extends through the other of said at least one of said first and second
openings to serve as a pull for said pet toy.

6. A pet toy, as claimed in claim 1, further including:
an edible animal treat extending through and resiliently
gripped in said center opening.

7. A pet toy, as claimed in claim 1, further including:
 a first edible animal treat extending through and resiliently
 gripped in said first opening; and
 a second edible animal treat extending through and resiliently
 gripped in said second opening.

8. A pet toy, as claimed in claim 1, further including:
 an edible animal treat having a length greater than that of said
 elongated hollow body, said edible food treat extending through and
 resiliently gripped in said first and second openings and said center
 opening.

9. A pet toy, as claimed in claim 1, wherein:
 said first and second inner diameters are different.

10. A pet toy, as claimed in claim 1, wherein:
 said first and second inner diameters are the same.

11. A pet toy as claimed in claim 1, further including:
 a plurality of longitudinally spaced ribs extending
 peripherally around said elongated hollow body which deflect inwardly
 when said hollow elongated body is deformed by the animal's teeth so that
 ribs on opposite sides of the jaw are engageable with opposite sides of the
 teeth and/or gums to aid in cleaning the teeth and massaging the gums.

12. A pet toy for entertaining an animal and providing jaw
 exercise, teeth cleaning and/or gum massaging for the animal, said pet toy
 comprising:

an elongated hollow body extending along a longitudinal axis
5 and having first and second ends and a central hollow core of substantially
constant diameter;

a first bulbous section extending along said longitudinal axis
having a first opening defining a first diameter and a first wall thickness
forming said first end of said elongated hollow body;

10 a second bulbous section extending along said longitudinal
axis and spaced from said first bulbous section, said second bulbous section
having a second opening defining a second diameter and a second wall
thickness forming said second end of said elongated hollow body; and

a center section extending along said longitudinal axis
15 between and connected to said first bulbous section and said second
bulbous section, said center section having a thin deformable side wall and
an inner surface forming a center opening of a third diameter which is less
than at least one of said first and second diameters, said thin deformable
side wall having a third thickness which is less than at least one of said first
20 and second thicknesses.

13. A pet toy, as claimed in claim 12, wherein:
said first and second wall thicknesses are equal.

14. A pet toy, as claimed in claim 13, further including:
a plurality of longitudinally spaced annular ribs extending
around the outer periphery of said elongated hollow body to facilitate an
animal gripping said pet toy with its teeth.

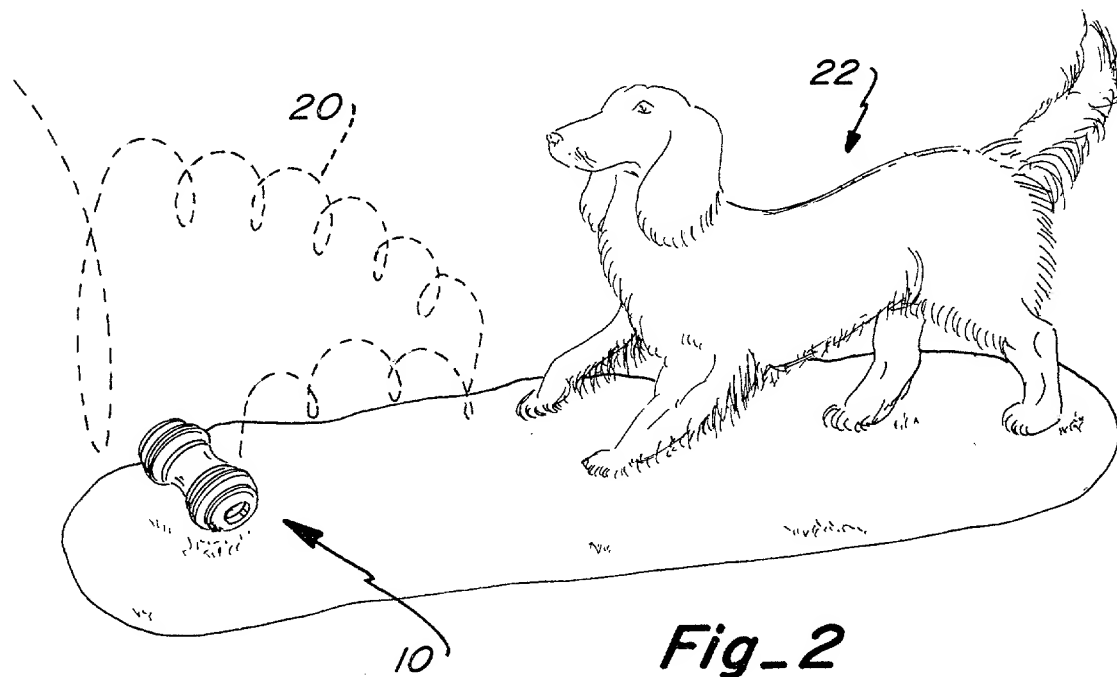
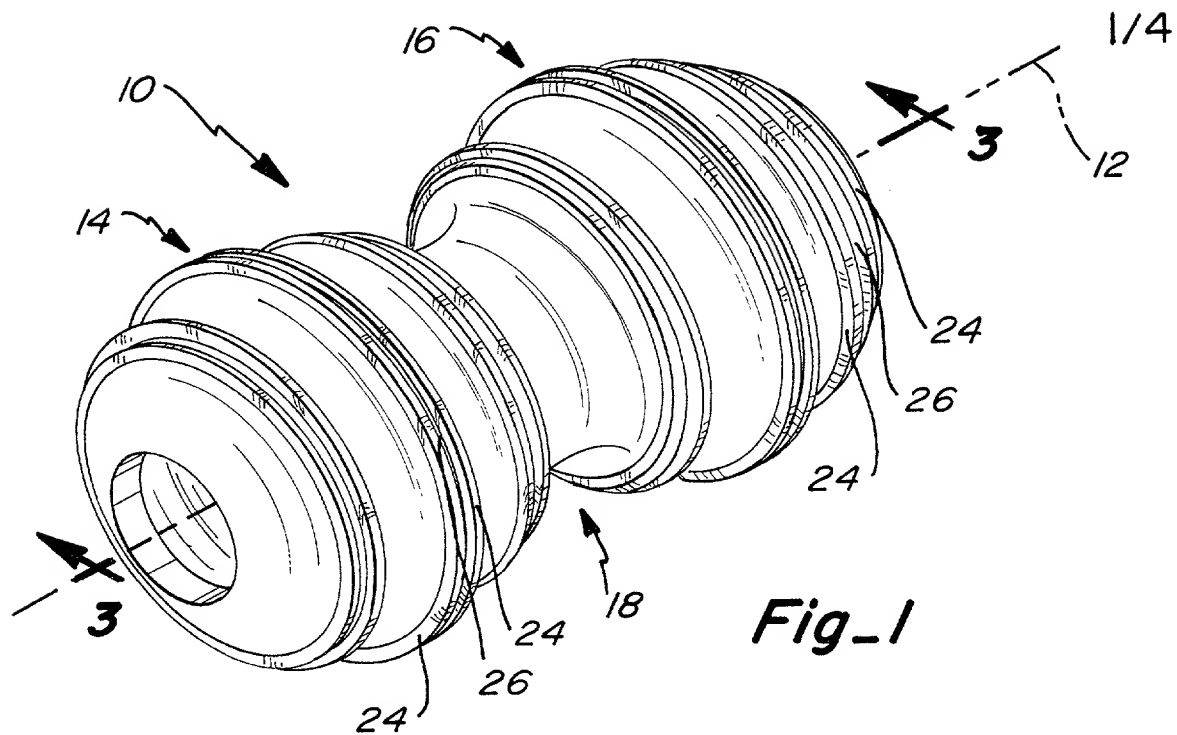
15. A method of exercising the jaw of an animal while cleaning
its teeth and/or massaging its gums, said method comprising the steps of:

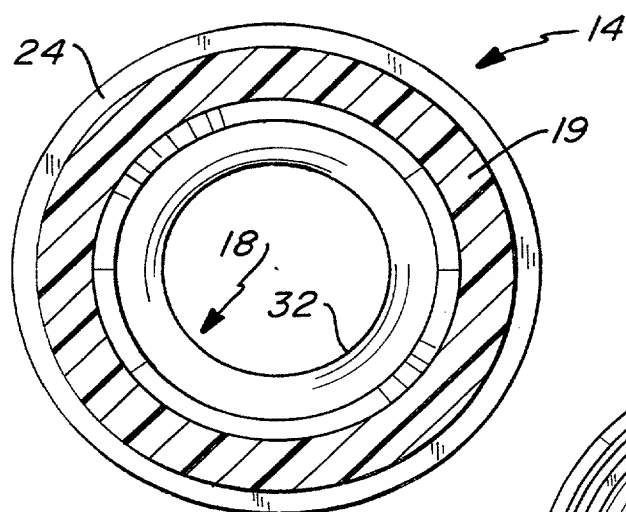
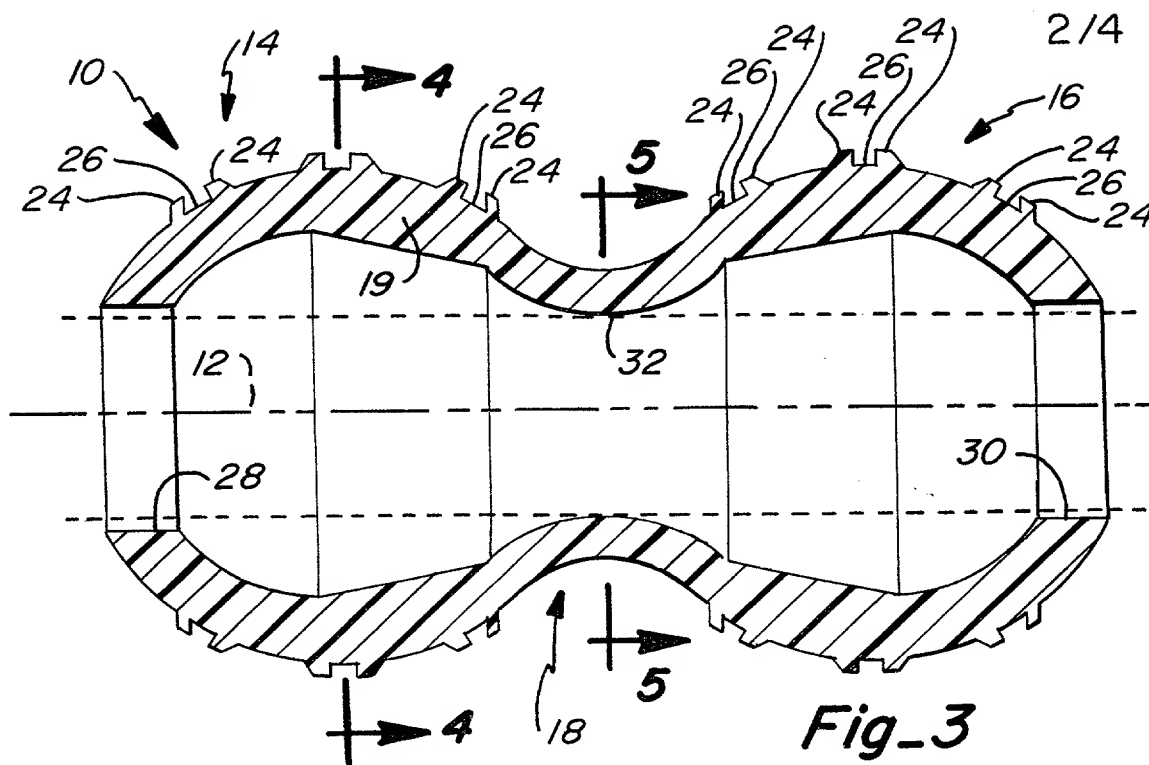
5

causing the animal to bite down on the hollow thin walled end section with its teeth to deform the hollow thin walled end section so that the ribs engage the opposite sides of the teeth and/or gums.

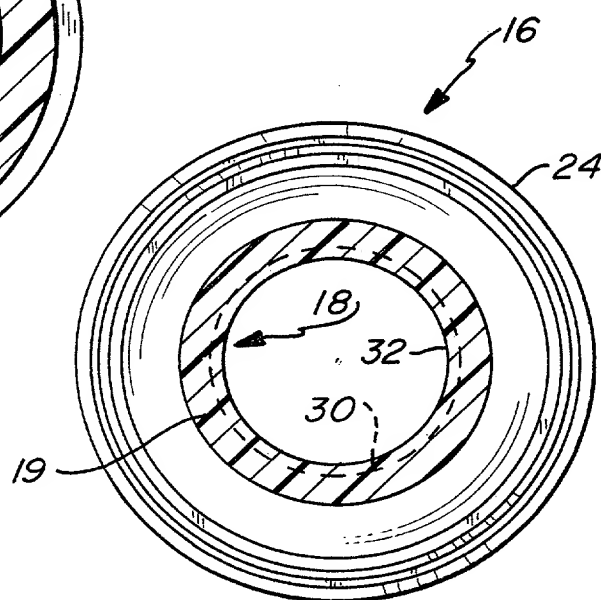
ABSTRACT

A pet toy has an elongated hollow body extending along a longitudinal axis with first and second spaced bulbous sections, each having a side wall of substantially constant cross-section throughout. The first and second sections each include respective first and second openings defining respective first and second diameters. A center section has an inner surface forming a center opening of a third diameter which is less than at least one of the first and second diameters. The center section interconnects the first and second bulbous sections. A plurality of longitudinally spaced annular ribs extend around the periphery of the bulbous sections forming grooves to facilitate an animal gripping the toy with its teeth. At least one of the bulbous ends has an opening with a diameter greater than the diameter of the center section so that a knot of a pull rope extending through the center of the pet toy will pass through the opening in the bulbous section but will not pass through the center section. Edible food treats can be placed in the pet toy through the opening(s) in the respective bulbous sections and center section which can be removed by the pet biting down on the pet toy and deforming the side wall. When the teeth of the animal deform an end of the pet toy, the ribs deflect inwardly to clean the teeth and/or massage the gums. In a second embodiment, the pet toy has a hollow core of substantially constant cross-section.



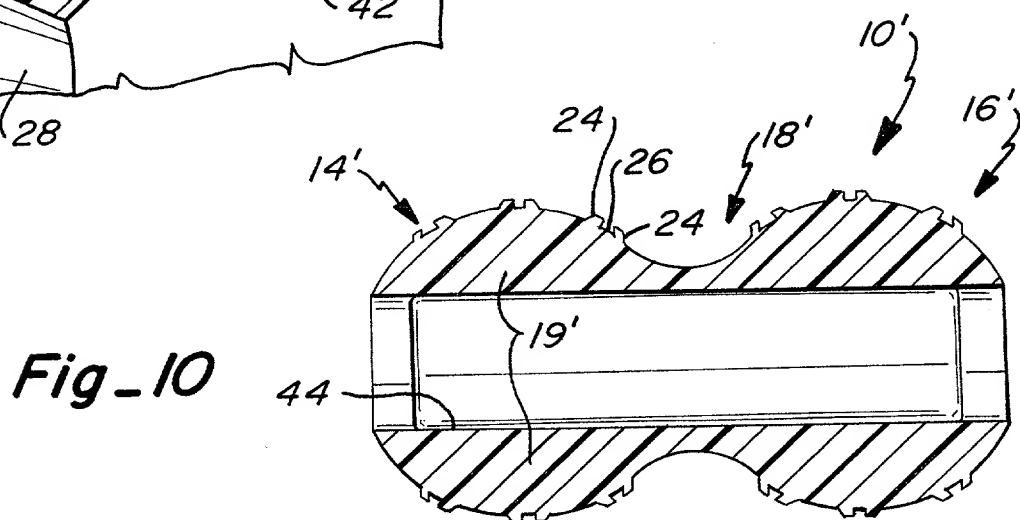
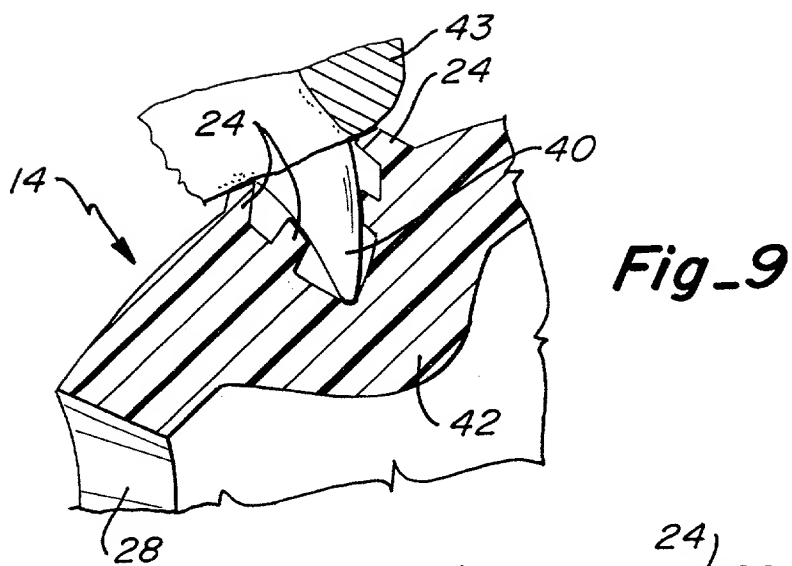
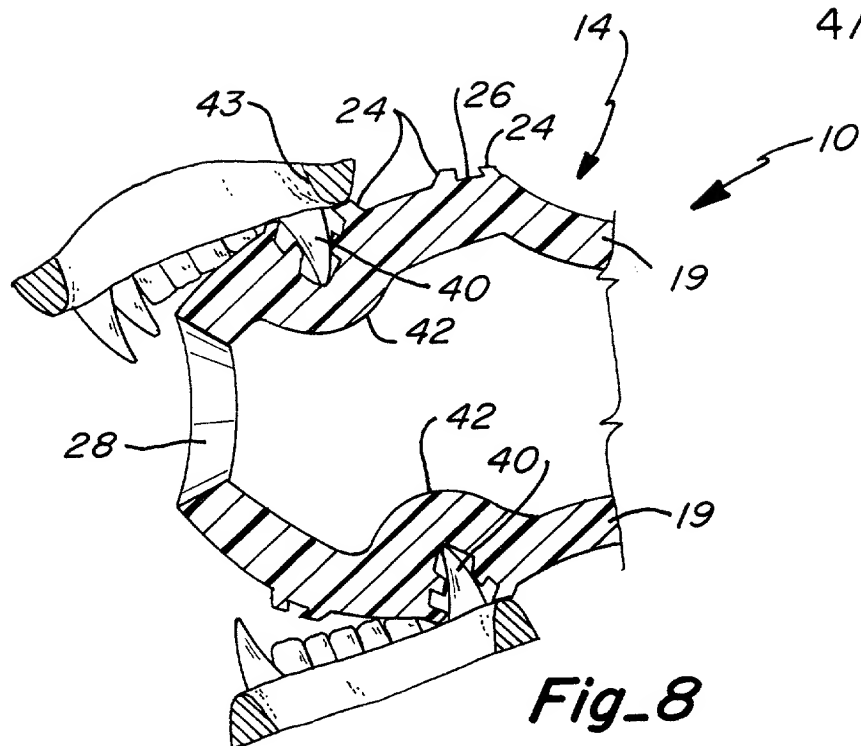


Fig_4



Fig_5

Fig_7



Applicant or Patentee: Joseph P. Markham

Attorney's

Serial No. or Patent No.:

Docket No.: F97.18

Filed or Issued:

For "BOUNCING PET TOY"**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN Bounce, Inc. d/b/a The Kong CompanyADDRESS OF CONCERN 16191-D Table Mountain Parkway
Golden, CO 80403-1641

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "Bouncing Pet Toy"

by inventor(s) Joseph P. Markham

described in:

☒ the specification filed herewith.☐ application serial no. _____, filed _____☐ patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Joseph P. MarkhamTITLE OF PERSON OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING 16191-D Table Mountain Parkway
Golden, CO 80403-1641SIGNATURE 

DATE _____

DECLARATION FOR PATENT APPLICATION

Attorney Docket No.
 F97.18

As a below name inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "BOUNCING PET TOY", the specification of which is attached hereto unless the following box is checked:

☐ was filed on _____ as United States Application Number or PCT International Application Number _____ as was amended on _____ (if applicable).

I hereby stated that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or Inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number) _____ (Country) _____ (Day/Month/Year Filed) _____

(Number) _____ (Country) _____ (Day/Month/Year Filed) _____

I hereby claim the benefit under 35 U.S.C. §119(e) of the United States provisional application(s) listed below.

(Application Number) _____ (Filing Date) _____

(Application Number) _____ (Filing Date) _____

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number) _____ (Filing Date) _____ (Status- patented, pending, abandoned) _____

(Application Number) _____ (Filing Date) _____ (Status- patented, pending, abandoned) _____

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Gary D. Fields, Registration No. 19,604 and Brent P. Johnson, Registration No. 38,031 of Fields & Johnson, P.C.
 Address all telephone calls to: Gary D. Fields at telephone number (303) 861-9100
 Address all correspondence to: Fields & Johnson, P.C.
1700 Lincoln Street, Suite 3030, Denver, CO 80203

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Joseph P. Markham
 Inventor's signature [Signature] Date 3/11/98
 Residence 12094 W. 75th Place, Arvada, CO 80005 Citizenship U.S.A.
 Post Office Address 12094 West 75th Place
Arvada, CO 80005

Full name of second joint inventor, if any (given name, family name) _____
 Second Inventor's signature _____ Date _____
 Residence _____ Citizenship _____
 Post Office Address _____

☐ Additional inventors are being named on separately numbered sheets attached hereto.